

## Federal Communications Commission

## § 24.710

(2) Notwithstanding the provisions of paragraph (f)(1) of this section, any C block license for operation on spectrum that has been offered, but not won by a bidder, in closed bidding in any auction beginning on or after March 23, 1999, will not be subject in a subsequent auction to closed bidding pursuant to the eligibility requirements of this section.

(g) *Definitions.* The terms *affiliate*, *business owned by members of minority groups and/or women*, and *gross revenues* used in this section are defined in § 1.2110 of this chapter. The terms *consortium of small businesses*, *control group*, *existing investor*, *institutional investor*, *nonattributable equity*, *preexisting entity*, *publicly traded corporation with widely dispersed voting power*, *qualifying investor*, *small business*, and *total assets* used in this section are defined in § 24.720 of this chapter.

[59 FR 63232, Dec. 7, 1994; 60 FR 5335, Jan. 27, 1995, as amended at 60 FR 37795, July 21, 1995; 61 FR 33868, July 1, 1996; 63 FR 17122, Apr. 8, 1998; 63 FR 50799, Sept. 23, 1998; 65 FR 53637, Sept. 5, 2000]

EFFECTIVE DATE NOTE: At 65 FR 53637, Sept. 5, 2000, § 24.229 was amended by revising paragraphs (a), (a)(1), (a)(3), (b)(9)(i), redesignating paragraph (b)(9)(ii) as paragraph (b)(9)(iv), adding new paragraphs (b)(9)(ii), (b)(9)(iii), revising paragraph (d)(1), redesignating paragraph (e) as paragraph (g), and adding new paragraphs (e) and (f), effective Nov. 6, 2000. For the convenience of the user, the superseded text is set forth as follows:

### § 24.709 Eligibility for licenses for frequency Blocks C and F.

(a) *General Rule.* (1) No application is acceptable for filing and no license shall be granted for frequency block C or frequency block F, unless the applicant, together with its *affiliates* and persons or entities that hold interests in the applicant and their *affiliates*, have *gross revenues* of less than \$125 million in each of the last two years and *total assets* of less than \$500 million at the time the applicant's short-form application (Form 175) is filed.

\* \* \* \* \*

(3) Any licensee awarded a license pursuant to this section (or pursuant to § 24.839(d)(2)) shall maintain its eligibility until at least five years from the date of initial license grant, except that a licensee's (or other attributable entity's) increased *gross revenues* or increased *total assets* due to *nonattributable equity* investments (i.e., from sources whose

*gross revenues* and *total assets* are not considered under paragraph (b) of this section), debt financing, revenue from operations or other investments, business development or expanded service shall not be considered.

\* \* \* \* \*

(b) \* \* \*

(9) \* \* \*

(i) In addition to entities qualifying under this section, any entity that was eligible for and participated in the auction for frequency block C, which began on December 18, 1995, or the reauction for frequency block C, which began on July 3, 1996, will be eligible to bid in any reauction of block C spectrum that begins within two years of the start date of the first reauction of C block spectrum following the effective date of this rule.

\* \* \* \* \*

(d) \* \* \* (1) Applicants and licensees claiming eligibility under this section or §§ 24.711 through 24.720 shall be subject to audits by the Commission, using in-house and contract resources. Selection for audit may be random, on information, or on the basis of other factors.

\* \* \* \* \*

### § 24.710 Limitation on licenses won at auction for frequency Blocks C and F.

(a) No applicant may be deemed the winning bidder of more than 98 of the licenses available for frequency Blocks C and F. Any applicant who is the high bidder for more than 98 of the licenses available for frequency Blocks C and F shall be required to withdraw its bid(s) for a sufficient number of licenses to achieve compliance with this section and may be subject to bid withdrawal penalties under § 24.704.

(b) For purposes of paragraph (a) of this section, licenses will be deemed to be won by the same bidder if an entity that controls or has the power to control any applicant that wins licenses at the auction, has the power to control any other applicant that wins licenses at the auction.

EFFECTIVE DATE NOTE: At 65 FR 53637, Sept. 5, 2000, § 24.710 was removed and reserved, effective Nov. 6, 2000.